

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT	Peter W.J. Jones	EXAMINER:	NGUYEN, Thong Q.
U.S.S.N.:	09/094,052	GROUP:	2872
FILED:	June 9, 1998	Conf. No.	7937
FOR:	METHODS FOR REFLECTION REDUCTION		

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/ William J. Daley, Jr. /
By: _____
William J. Daley, Jr. (Reg. No. 35,487)

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REPLY BRIEF TO EXAMINER'S ANSWER

Sir:

The following is in reply to the Examiner's Answer mailed August 15, 2008, in connection with the appeal of the above-referenced application.

This Reply Brief is being filed within two months of the mailing date of the Examiner's Answer. Applicant thus believes that no extension of time is required since this response is being filed before the expiration of the specified time period. Applicant, however, conditionally petitions for an extension of time to provide for the possibility that such a petition has been inadvertently overlooked and is required. As provided below charge Deposit Account No. **04-1105** for any required fee.

The following responds to remarks made in the "Response to Argument" section on pages 7-12 of the Examiner's Answer regarding the arguments included in the Appellant's Appeal Brief.

In response to Applicant's remarks that neither Jones or Softly anywhere refer to or include the phrases "wide-angle" or "wide-angle field of view" as set forth in the claims, the Examiner provided that the term wide is relative, that the claims do not recite any specific limitations/structure of the lens assembly for support of the term wide. The Examiner also indicated that it was the curvature of the outermost lens that defines the field of view and that as the outermost lens in Jones was curved, this inherently defines a particular wide dimension.

Applicant would first note that the terms in question are not "wide" but as indicated above "wide-angle" or "wide angle field of view" which is necessarily different from the word "wide" which appears to be parsed from the term.

As to the assertion that the claims do not define such a limitation at all, Applicant respectfully disagrees. Claim 13 includes the limitation that "the wide angle Field of View (FOV) of an optical lens of said lens assembly is at least 40°". Thus, language defining at least in part these terms is found in the claims.

Also in the Examiner's Answer regarding the rejection of claim 13, the Examiner refers to a teaching provided in Brennan of a binocular having a wide angle of view of 60 deg. in support of the rejection. Therefore, it appears that on one hand the Examiner says the term wide-angle or wide angle field of view is relative but on the other hand says that it is a term well known to those skilled in the art.

Finally, there is a discussion provided in the Background section of the subject application describing a problem to be overcome in connection with the Jones. Specifically, the subject application (see pages 2-3 thereof) provides that the length-to-width ratio of the tubes 6 that make up the honeycomb as taught in Jones *cannot* exceed the length-to-width ratio of the field of view (FOV) 13 of the optical device to which it is fitted. However, in the case of an optical device having a wide angle FOV (*e.g.*, the U.S. Army's PVS-7 night vision goggles,

which has a FOV 13 of 40°), if one were to use the existing method of reflection protection, the length-to-width ratio of the deepest or longest tubes 6 that could be used in a conventional anti-reflection shield are 1:1.38. As also stated in the subject application, this would not be deep enough to give good glint protection. If deeper tubes are used, they would intrude on the FOV of the optical device having the wide angle of view and vignette the image seen through the device, as illustrated in Fig. 5. Thus, if the image being viewed by an optical device would be vignette using tubes of a length sufficient to provide glint protection, then the FOV of such an optical device would thus be a wide angle FOV.

In response to applicant's remarks that the device disclosed in fig 10 and discussed in column 5 is **not** an optical device as that term is used in the subject application, it is asserted that an optical device having zero magnification is an optical device. It first should be noted that on page 2 of the subject application it is provided that an "existing method of reducing or eliminating such reflections is to put a honeycomb grid of tubes in front of the objective lens (as is described in U.S. Patent #4,929,055, *which is fully incorporated herein by reference*)".

The discussion in Jones regarding fig. 10 clearly indicates that a non-optical device at that term is used in Jones means that "the device does **not** provide any optical magnification. In other words to be an optical device in Jones (and also in the subject application), the device must provide optical magnification. Therefore the Examiner's admission that the device shown in Fig. 10 has zero magnification (a) is inconsistent with the explicit language in Jones and (b) as the subject application incorporates the teaching of Jones by reference, this also means that such zero magnification device cannot be an optical device as that term is used in the subject application.

In regards to the comments on pages 8-12 of the Examiner's Answer, Applicants would note that the Remarks in Applicant's Brief on Appeal were also directed to establishing not only was there no motivation or teaching in the cited art and also to show that the references do not show that if the structure for reducing reflections as described in Jones was modified so as to yield the invention claimed in the subject application that such a modified device would be reasonably successful.

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As described in the subject application and as is clear from Applicant's remarks in the Brief on Appeal, no showing has been made that modifying a three dimensional array of concentric tubes as taught in Jones based on the teachings that are directed to a two dimensional array of vanes in either Jones or Softly, which 2-D array is open along the sides or ends thereof, would have reasonably taught those skilled in the art that a so modified structure would not only prevent reflections from the surface but also would provide an optical pathway to allow an optical device to see through the structure.

Applicant believes that additional fees are not required for consideration of the within Reply Brief to Examiner's Answer. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account No. **04-1105**.

Respectfully submitted,
Edwards Angell Palmer & Dodge, LLP

/ William J. Daley, Jr. /

Date: October 15, 2008

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